

REMARKS

A final Office Action, dated May 15, 2003, rejects pending claims 1-43. Claims 1, 9, 18, 24-26, and 43 have been rewritten herein, and new claims 44-51 have been added. Reconsideration is respectfully requested in light of the amendments and the following remarks.

Prescription Order Tracking Upstream of Will-Call Storage

The examiner has conceded that Denenberg et al. (U.S. Pat. No. 6,464,142) does "not expressly teach the steps of tracking a prescription order within a pharmacy upstream of a storage device." (May 15, 2003 Office Action, Page 4, lines 7-8). However, the examiner rejected the then pending claims because "the claimed invention is not limited to such an embodiment." (*Id.* at line 9).

With this amendment, applicants have amended independent claims 1, 9 and 24 to specifically limit the claims to tracking of pharmacy orders upstream of a storage area. Namely, claim 1 now specifically includes "manually moving the prescription order to a second location within the pharmacy upstream of the will call storage area; [and] automatically detecting the presence of the prescription order at the second location" (emphasis added). Claims 9 and 24 have been amended as noted herein to include a similar limitation.

Since no references of record teach or suggest such upstream tracking within a pharmacy, these claims should now be in condition for allowance. Moreover, since dependant claims 2-8 and 10-18, 20-23, and 25-30 depend on these now allowable claims, they too should also be in condition for allowance.

Automatic Tracking of Pharmacy Orders

Applicants respectfully traverse the examiner's statement "that it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Engellenner [U.S. Pat. No. 6,057,756] with the invention of Deneberg et al. [U.S. Pat. No. 6,464,142] to provide automatic tracking [of prescription orders within a pharmacy]." [May 15, 2003 Office Action, page 4, line 20 – page 5, line 2].

The examiner concedes that Denenberg et al neither teaches nor suggests automatic tracking of prescription orders within a storage area of a pharmacy. [May 15,

2003 Office Action, page 4, line 18]. Rather, much like conventional manual pharmacy tracking systems, Denenberg relies on the pharmacy worker to operate the tracking equipment correctly in order to have any chance of locating a filled prescription order in a will-call storage area. Denenberg offers no teaching or suggestion for automating this process to a point where such tracking is automatic.

Engellenner teaches a variety of tag and readers that allow for special interrogation of an area to detect the presence of the tag. However, it fails to teach or suggest using these devices in any enabling manner so as to suggest their use in a pharmacy or as a replacement to traditional pharmacy tracking devices.

"Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so . . ." [MPEP § 2143.01]. If anything, Denenberg teaches away from automatic tracking of prescription orders by disclosing how pharmacy workers must first operate a common scanner to read each individual prescription and then receive and follow instructions from a computer system as to where that prescription must be placed in the storage device.

In light of the foregoing, applicants respectfully traverse the examiner's rejection of independent claim 31. There is no teaching or suggestion in any references of record to provide individual tag readers in each storage area of a prescription order storage device, and there is no teaching or suggestion for a tag reader placed within a particular storage area to automatically determine the unique identifier associated with a tag and related prescription order placed within a particular storage area. Accordingly, this claim should be allowable.

Moreover, independent claims 32-43, which depend on allowable claim 31, should now also be in condition for allowance. In addition, no reference of record teach or suggest any form of tag reader switching structures as claimed in claims 40 and 41. Accordingly, these claims should also be allowable on these grounds.

In addition, applicants have added new method claim 44 which includes the essential limitations of claim 31. Unlike the storage device in Denenberg et al., Claim 44 also includes a limitation that the pharmacy worker selects the particular storage area in which the prescription order is to be placed. In particular, claim 44 specifically requires the step of "placing the filled prescription order and the remote tag into one individually identified storage area of the plurality of individually identified storage areas

without instructions from the computer system as to which individually identified storage area the filled prescription order and the remote tag are to be placed" (emphasis added).

This particular feature of the present invention allows a pharmacy worker to place a prescription order into any storage area within the storage portion of the pharmacy, and still be able to easily locate it later for quick and accurate retrieval. No references of record, including Denenberg et al. and Engellenner, teach or suggest such a feature. Accordingly, claim 44 and dependant claims 45-51 which depend on claim 44 should also be in condition for allowance.

In view of the foregoing, applicants submit that all of the currently pending claims are in condition for allowance, and respectfully request that the case be passed to issuance. If the Examiner has any questions, he is invited to contact applicants' attorney at the below-listed telephone number.

Respectfully submitted,

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Attachment A to Amendment
(Redlined amendments to claims)

1. (Twice Amended) A method for tracking prescription orders through a pharmacy having a plurality of physically spaced apart locations for filling the prescription order, the plurality of spaced apart locations positioned along a workflow stream leading to a will call storage area for storing filled prescription orders therein, said method including the following steps:

receiving a prescription order at a first location [within the pharmacy] upstream of the will call storage area;

tagging the prescription order with a remote tag that stays with the prescription order;

associating the remote tag with customer information associated with the prescription order upstream of the will call storage area;

manually moving the prescription order to a second location within the pharmacy upstream of the will call storage area [for filling the prescription order];

automatically detecting the presence of the prescription order at the second location by sensing the remote tag attached to the order when said remote tag is in the proximity of said second location; and,

automatically recording the location of the prescription order at said second location.

9. (Amended) A prescription order tracking system for use in a retail pharmacy having a first station therein for filling the prescription order, said first station positioned along a workflow stream leading to a storage device for storing filled prescription orders therein, said tracking system including:

a computer system having a display;

a tag operably secured to the prescription order; and

a first tag reader positioned near the first station and in communication with said computer system, said first tag reader able to automatically detect the presence of said tag when said tag is in close proximity of said first tag reader and send a first signal to said computer system;

wherein said computer system processes said signal to display the presence of said tag at said first station, thereby displaying the location of said prescription order.

24. (Twice Amended) A prescription order tracking system for use in a retail pharmacy having a first station therein for filling the prescription order, the first station positioned upstream of a will call storage device for storing filled prescription orders therein, said tracking system including:

a computer system having a display;

a tag operably secured to the prescription order upstream of the will call storage device, said computer system including customer identifying information for correlating said tag to said prescription order; and

a first tag reader positioned near the first station and in communication with said computer system, said first tag reader able to automatically detect the presence of said tag when said tag is in close proximity to said first tag reader and send a first signal to said computer system;

[a storage bin]said will call storage device having a plurality of [cubbies]compartments, each said [cubby]compartment having an identifier, and having a [cubby]compartment tag reader in communication with said computer system, such that the presence of said tag within one of said plurality of [cubbies]compartments is automatically detected by that [cubby's]compartment's tag reader and sends a [cubby]compartment location signal to said computer system, said [cubby]compartment location signal including the identifier of said one of said plurality of [cubbies]compartments;

wherein said computer system processes said first signal and said [cubby]compartment location signal to display the location of said tag at one of said first location or[of] said one of said plurality of [cubbies]compartments.

25. (Amended) The prescription order tracking system of claim 24, wherein said first station is a storage device positioned upstream of said will call storage device[another one of said plurality of said cubbies].

26. (Amended) The prescription order tracking system of claim 24, further including a switching device in communication with said first tag detector, said [cubby]compartment tag detector, and said computer system such that signal information is collected from said first and [cubby]compartment tag detectors at predetermined intervals.

43. (Amended) The prescription order and storage and retrieval device of claim 42[43], wherein said pharmacy is a retail pharmacy.

~~--44. (New) A method for ensuring that a pharmacy worker distributes the correct prescription order to a customer of the pharmacy, the pharmacy having a storage portion with a plurality of individually identified storage areas therein, each individually identified storage area having a unique visual identifier and a tag reader operably secured thereto, the tag reader in communication with a computer system; said method comprising:~~

~~receiving a prescription order at a first location spaced apart from the storage area within the pharmacy;~~

~~operably securing a remote tag to the prescription order, the remote tag having a unique tag identifier readable when placed in proximity to each tag reader within the storage portion;~~

~~the computer system associating the remote tag with customer information associated with the prescription order;~~

~~filling the prescription order defining a filled prescription order;~~

~~placing the filled prescription order and the remote tag into one individually identified storage area of the plurality of individually identified storage areas without instructions from the computer system as to which individually identified storage area the filled prescription order and the remote tag are to be placed thereby defining a pharmacy worker selected storage area and placing the tag in proximity to the tag reader operably secured to the pharmacy worker selected storage area;~~

~~the tag reader within the pharmacy worker selected storage area detecting the unique tag identifier of the tag;~~

~~providing the unique tag identifier and the storage area identifier for the pharmacy worker selected storage area to the computer system;~~

~~the computer system correlating the customer information, unique tag identifier, and storage area identifier;~~

~~retrieving the customer information from the computer system to determine the storage area identifier associated with the pharmacy worker selected storage area in which the customer's filled prescription order is located; and,~~

~~retrieving the filled prescription order from the identified pharmacy worker selected storage area of the storage portion.~~

45. (New) The method of claim 44, wherein said tag is a radio-frequency identification ("RFID") tag and said tag readers are RFID readers.

46. (New) The method of claim 44, wherein said storage area identifier is not related to information contained within the customer information.

47. (New) The method of claim 44, wherein said storage area identifier is numeric.

48. (New) The method of claim 44, further including:
detecting the removal of the tag from the pharmacy worker selected storage area by the tag reader operably secured to the pharmacy worker selected storage area.

49. (New) The method of claim 48, further including:
monitoring the time the tag remains within the pharmacy worker selected storage area by the computer system.

50. (New) The method of claim 44, further including placing a second filled prescription order with a second unique remote tag operably secured thereto within the pharmacy worker selected storage area such that the filled prescription order and the second filled prescription order concurrently occupy the same pharmacy worker selected storage area, and wherein the computer system associates customer identifying information for the second filled prescription, the second prescription order and the storage identifier.

51. (New) The method of claim 50, wherein the computer system detects the removal of the prescription order from the pharmacy selected storage area during the retrieving the prescription order step, and detects the continued presence of the second prescription order within the pharmacy selected storage area during the retrieving the prescription order step.--